

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ORDER OF COURT

AND NOW, this 21st day of October, 2016, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Lisa Pupo Lenihan recommending that the Motion to Dismiss filed by Defendants Dollar General Corporation and Pamela Biegal (Docket No. [19]) be granted, in part, and denied, in part (Docket No. [26]), and specifically recommending that the Motion to Dismiss be granted, with prejudice, with respect to Plaintiff's PHRA claim and negligent infliction of emotional distress claim due to the futility of any attempts at amendment, and upon consideration of the parties' failure to file objections within fourteen (14) days of the filing of the Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1)(B) and (C) and Local Rule of Court 72.D.2, and after undertaking an independent review of the allegations in Plaintiff's Second Amended Complaint (Docket No. [15]), Defendant's Motion to Dismiss (Docket No. [19]), and all briefing thereon, (Docket Nos. [20], [21], [22]),

IT IS HEREBY ORDERED that the Report and Recommendation [26] is adopted as the Opinion of the Court; and,

IT IS FURTHER ORDERED Defendant's Motion to Dismiss [19] is granted, in part, and denied, in part; Plaintiff's PHRA claim and negligent infliction of emotional distress claim, as contained in the Second Amended Complaint [15], are dismissed, with prejudice; the Motion to Dismiss is denied in all other respects.

/s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc/ecf: All counsel of record.

Magistrate Judge Lisa Pupo Lenihan